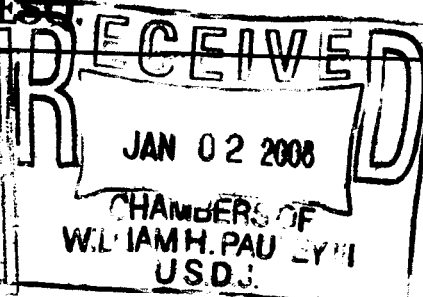




ROBERT PREVITO, ESQ.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED:



235 Brookside Drive
Hauppauge, New York 11788
(631) 265-4494 Fax (631) 265-4382
rprevito@hotmail.com

January 2, 2007
Via Fax No. 212-805-6390

Hon. William H. Pauley, III
United States District Court, Southern District New York
United States Courthouse, 500 Pearl Street, Suite 2210
New York, New York 10007-1312

*Application granted. Defendant's
time to answer is extended
until January 17, 2008.*

Re: Toy Play LLC, v. Geometix International, LLC Docket No. **SO ORDERED:**
United States District Court, Southern District New York
07 cv 11226

Honorable Sir:

[Signature]
WILLIAM H. PAULEY III U.S.D.J.
1/3/2008

I have today been retained by defendant Geometix, to represent it in the above Declaratory Judgement Action. I am hereby respectfully requesting a one-week, or preferably two-week, extension of the time to file an Answer with the Court, for the following reasons:

1. The lateness of my receipt of the Complaint from my client due to the holidays.
2. That I only today registered with ECF in the Southern District, and await confirmation of my password, which makes filing an Answer by tomorrow technically impracticable. (See application receipt annexed hereto.)
3. My extremely heavy workload over the next week, wherein I will be actually engaged in two trials, Steve Berkowitz, v. Ralph Pina in Suffolk 4th District Court; NYCM a/s/o Cindy Mullery v. Statewide Installations, Inc. in Suffolk Supreme Court, as well as two other court conferences.

I have requested an adjournment today from opposing counsel, Bruce Ewing, who advised me that he is amenable to the extension in principle, but cannot formally grant it without authorization from his client, which he has been unable to reach. I enclose a copy of my fax to him of today's date.

I also note that the gravamen of the complaint that underlies plaintiff's action sounds in a breach of contract stemming from acts, and/or omissions to act, of several years ago, and that plaintiff will not be prejudiced by the granting of a brief extension, since no imminent danger exists of irreparable damage. However, due to the fairly complex contract terms, which involve the licensing, sale, manufacture, and distribution of toys, my client will be prejudiced if its Answer, and mandatory Counterclaims, are not pled with requisite particularity, which will take an appropriate investment of my time. My client has a *bona fide* defense to the Declaratory Judgement action, based on an agreement signed by plaintiff, and can make a *prima facie* that a trier-of-fact could find that a contract exists. Wherefore, I respectfully request a one-week, or preferably two-week, extension of the time to file an Answer, in the interests of fairness and substantial justice.

Very truly yours,

[Signature]
Robert Previto

RPP/rsa/Encl.

cc: B. Ewing, Esq.